

REMARKS

Claims 1-26 are pending with claim 26 added by this paper.

Claim Rejections Under 35 USC §102(b)

Claims 1-25 stand rejected as allegedly being anticipated by EP 0035392A1 (Nagano). Particularly, the Action alleges that Nagano discloses 5 to 30 parts of polymer (A) with a density of 0.88 to 0.98 g/cm³ being grafted with an unsaturated carboxylic acid. The Action further alleges that Nagano discloses 95-70 parts of polyethylene (B) with a density of 0.86 to 0.98 g/cm³. The Action also alleges that Nagano discloses a blend of polymer (A) and the polyethylene (B) having a density of 0.88 to 0.98 g/cm³, a content of grafted unsaturated carboxylic acid of between 0.01 to 10% by weight, and a melt flow index of between 5 to 18. Applicants respectfully traverse these rejections.

To anticipate a claim, the reference must teach every element of the claim. See *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987) and M.P.E.P. §2131.

Nagano discloses a multilayer structure including a layer (A). (See page 3, lines 34-37). The layer (A) consists of (i) a graft-modified ethylene resin derived from an ethylene polymer containing 0 to 15 mol% of at least one α -olefin and (ii) an unmodified ethylene polymer containing 0 to 50 mol% of at least one α -olefin. See page 4, lines 4-19.

However, Nagano fails to disclose a blend of a polyethylene (A1) and of a polymer (A2) or cografting a blend of a polyethylene and of a polymer with an unsaturated carboxylic acid or its functional derivative (relevant to claims 19 and 26).

In addition, Nagano fails to disclose a blend of a high density polyethylene and a polymer of a low-density polyethylene or a metallocene polyethylene or cografting a blend of a high density polyethylene and of a polymer of a low-density polyethylene or a metallocene polyethylene with an unsaturated carboxylic acid or its functional derivative (relevant to thrice amended claim 1). Rather, Nagano discloses an ethylene polymer containing an α -olefin as a

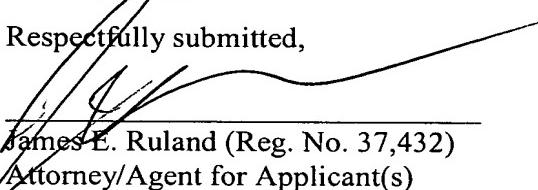
comonomer.

Also, Nagano discloses grafting a carboxylic acid or its functional derivative monomer to an ethylene polymer containing up to 15 mol% of at least one α -olefin to obtain a graft-modified ethylene resin. It fails to disclose cografting a polyethylene and a polymer to an unsaturated carboxylic acid. This failure is apparent to one of skill in the art because Nagano discloses mixing a graft-modified ethylene resin and an ethylene polymer with equipment such a ribbon blender, a tumbler, a Henschel mixer, etc. See page 10, line 26 - page 11, line 2. Failing to teach these features, Nagano cannot anticipate the claimed invention.

In view of the above remarks, favorable reconsideration is courteously requested. Attached hereto is a marked-up version of the changes made to the claims by the current Amendment. The attached page is captioned, "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**". If there are any remaining issues which can be expedited by a telephone conference, the Examiner is courteously invited to telephone counsel at the number indicated below.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,


James E. Ruland (Reg. No. 37,432)
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

Attorney Docket No.: **ATOCM 174**

Date: **November 7, 2002**

JER/lvb:K:\Atocm\100-199\174\reply 10-8-02.dot

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend claims 1, 2, 9, 10, 15, 17 and 22 as follows:

1. (Thrice Amended) A coextrusion binder produced by a process comprising blending:

- 5 to 30 parts of a polymer (A) produced by a process comprising cografting a blend of 60-95 parts by weight of a high density polyethylene (A1) of relative density between 0.935 and 0.980 0.940-0.965 and a MFI of 0.1-3 g/10 min under 2.16 kg at 190°C and 40-5 parts by weight of a polymer (A2) selected from the group consisting of elastomers, very of a low-density polyethylenes and ethylene copolymers, the (A1)+(A2) blend being cogenerated or a metallocene polyethylene with 600 ppm - 6% by weight of an unsaturated carboxylic acid or its functional derivative with respect to the weight of grafted (A1) and (A2); and

- 95 to 70 parts of a polyethylene (B) of relative density between 0.930-0.940 and a MFI of 5-100 g/10 min under 2.16 kg at 190°C and 0.950;

the wherein a blend of the polymer (A) and the polyethylene (B) having:

- a relative density between of 0.930-0.940 and 0.950,
- melt flow index measured according to ASTM D 1238 at 190°C/21.6 2.16 kg of between 5 and 100 g/10 min.

2. (Thrice Amended) A binder according to claim 1-26, in which the relative density of the polymer (A) + the polyethylene (B) is between 0.930 and 0.940.

9. (Amended) A coextrusion binder according to claim 1-26, wherein the polyethylene (A1) is a polyethylene homopolymer or an ethylene copolymer with a comonomer of an α -olefin having from 3 - 30 carbon atoms, an ester of an unsaturated carboxylic acid, or a vinyl ester of a saturated carboxylic acid.

10. (Amended) A coextrusion binder according to claim 1, wherein the polymer (A2) is an ethylene/propylene elastomer, an ethylene/propylene/diene elastomer, an ethylene homopolymer, an ethylene/α-olefin copolymer, or a metallocene polyethylene.

15. (Amended) A binder according to claim 4 26, wherein the relative density of the polyethylene (A1) is 0.940 - 0.965.

17. (Amended) A binder according to claim 4 26, wherein the polymer (A2) is an ethylene copolymer with a comonomer of propylene or 1-octene.

22. (Amended) A coextrusion binder according to claim 4 26, wherein the amounts of (A1) and (A2) are 60 to 95 parts by weight of (A1) for 40 to 5 parts by weight of (A2).

25. (Amended) A coextrusion binder according to claim 1, wherein the binder contains 5 to 20 parts by weight of (A) per 95 to 80 parts by weight of (B).